

## STUDENT AND APPLICANT COMPLAINTS

### SUMMARY OF PRINCIPAL CHANGES

<b>General changes</b>	
<b>Section:</b>	
8.2	Amendments advise apprentices that they may complain further to the Education and Skills Funding Agency (ESFA).

*(Amendments to version 02.0, UPR SA16, are shown in italics.)*

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## 8 FURTHER REPRESENTATIONS

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## 1 INTRODUCTION

1.1 Although the University will make reasonable efforts to provide appropriate facilities, amenities and services, students should note that such provision may be affected by conditions beyond the University's control which prevail from time-to-time. In such circumstances, the University cannot accept responsibility for a level of service which may be less comprehensive than that normally provided.

1.2 The policies and procedures set out in this document have been approved by the Secretary and Registrar with effect from 1 September 2015<sup>1</sup>.

### 1.3 **Role of the Secretary and Registrar**

The Secretary and Registrar, in consultation with the Presiding Officer and the Student Procedures Co-ordinator, will be responsible for the general interpretation and application of the University's regulations as they relate to student and applicant complaints and will exercise these responsibilities as specified in this procedure.

## 2 SCOPE

2.1 In the event that they wish to make a complaint, and with the following exceptions, the policies and procedures set out in this document (UPR SA16) are to be used by applicants and students registered on programmes delivered at the University, including students who are on placement or are engaged in work-based learning:

- i issues raised by students registered on programmes delivered at the University in connection with their **employment by the University** (UPR HR03<sup>2</sup>, refers);
- ii issues raised by students registered on programmes delivered at the University concerning alleged incidents of **harassment or bullying** (UPR EQ01<sup>3</sup>);
- iii students registered on programmes delivered at **Partner Organisations** which lead to awards of the University of Hertfordshire (section 2.2, refers);
- iv '**whistleblowing**' and the '**raising and escalation of concerns**' by students enrolled on programmes leading to University of Hertfordshire awards who are undertaking compulsory or optional placements that form part of their programmes of study or attend Study Centres recognised by the University (Appendix I, UPR GV12<sup>4</sup>, refers).

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<sup>1</sup> **Academic Board Minutes:** 39.4.2 and 155.4, 9 March 2005; 52.5, 15 June 2011; 160, 20 June 2012, refer.

<sup>2</sup> UPR HR03 'Grievance Procedures'

<sup>3</sup> UPR EQ01 'Harassment and Bullying'

<sup>4</sup> UPR GV12, Appendix I 'Public Interest Disclosure'

**(Note for guidance – applicants:**

The University regards decisions concerning whether an applicant satisfies the general principles of admission and the entry requirements for a programme to which admissions is being sought to be matters of academic judgment. Applicants wishing to

request a review of such a decision should follow the procedure set out in UPR SA02<sup>5</sup> (for prospective research students) or UPR SA03<sup>6</sup> (for all other prospective students).

Where an applicant is a minor (under the age of 18) the applicant may designate a parent or guardian to act on his or her behalf.)

**2.2 Students registered on programmes delivered at Partner Organisations which lead to awards of the University of Hertfordshire**

**i MATTERS WHICH COULD REASONABLY BE EXPECTED TO HAVE A MATERIAL EFFECT ON ACADEMIC PERFORMANCE**

The matter will be dealt with initially by the relevant Partner Organisation in accordance with the policies, regulations and procedures operated by the Partner Organisation. Following the Partner Organisation's final decision, students shall have the right to request a review by the Vice-Chancellor of the University on the grounds set out in section 6.2.6. The decision of the Vice-Chancellor shall be final and binding on all parties.

**ii OTHER MATTERS**

- a The student is subject to the policies, regulations and procedures operated by his or her Partner Organisation relating to complaints of a non-academic nature. The decision of the Partner Organisation in respect of non-academic complaints shall be final, save and except, the student may petition the University for a procedural review of the handling by the Partner Organisation of the matter once all internal levels of hearing at the Partner Organisation have been exhausted. Such petitions must be made, in writing, using the form 'Request for a Review by the Vice-Chancellor' (section 7.1.4, v, refers) and sent to the:

University's Student Procedures Co-ordinator:  
Student Procedures Co-ordinator,  
Governance Services,  
Room B204, Main Building,  
College Lane.  
Email: [studentprocedures@herts.ac.uk](mailto:studentprocedures@herts.ac.uk)

- b The Vice-Chancellor shall have limited powers to review the matter which shall not include overturning the decision made by the Partner Organisation but shall include acting in an advisory capacity to the Partner Organisation;
- c It should be noted that a Partner Organisation may empower the University to act on its behalf in certain circumstances. Such cases will be dealt with in accordance with the relevant University procedures.

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<sup>5</sup> UPR SA02 'Admissions - Research Students'  
<sup>6</sup> UPR SA03 'Admissions - Undergraduate and Taught Postgraduate Students'

### 3 TERMINOLOGY

3.1 For the purposes of this document the following definitions will apply:

3.1.1 **'complaint':**

a complaint, grievance or dispute, whether in oral or written format, relating to the administration and/or operation of the University;

3.1.2 **'Complainant':**

the person making the complaint;

3.1.3 **'Presiding Officer':**

the individual identified at each Stage of these complaints procedures (UPR SA16) who will hear the complaint;

3.1.4 **'academic complaints':**

examples would include, but are not limited to, the administration of the University's admissions policy, procedures and regulations or other issues that have arisen during the admissions process or the organisation of programmes or field trips or placements;

**(Note for guidance:**

- The University regards decisions concerning whether an applicant satisfies the general principles of admission and the entry requirements for the programme to which admission is being sought to be matters of academic judgment. Applicants wishing to request a review of such a decision should follow the procedure set out in UPR SA02<sup>5</sup> (for prospective research students) or UPR SA03<sup>6</sup> (all other prospective students).
- For the avoidance of doubt, all admissions process complaints will be dealt with as academic complaints.
- Where an applicant is a minor (under the age of 18) the applicant may designate a parent or guardian to act on his or her behalf.)

3.1.5 **'non-academic complaints':**

examples would include, but are not limited to, matters relating to the Finance Department, refectory services, car parking or to academic services and facilities such as those provided by Information Hertfordshire or the Student Centre.

**(Note for guidance:**

For the avoidance of doubt, all complaints associated with the admissions process will be dealt with as academic complaints.)

3.2 This document otherwise uses the institutional definitions set out in GV08<sup>7</sup>.

### 4 STATEMENT OF POLICY

4.1 The University of Hertfordshire will use reasonable efforts to deal promptly and efficiently with all complaints.

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<sup>7</sup> UPR GV08 'Glossary of Approved University Terminology'

- 4.2 The aim of the University's complaints procedures is to resolve individual complaints quickly and fairly and as near to their source as possible.
- 4.3 The University's complaints procedures for students will have a preliminary and formal Stage.
- 4.4 The time limits incorporated within the University's complaints procedures may be modified by mutual written agreement of the parties involved.
- 4.5 Where a Complainant wishes to make a formal complaint or to request a review by the Vice-Chancellor, the complaint must be submitted, in writing, using the current version of the relevant form published from time-to-time by the Dean of Students and in accordance with the relevant procedure set out in this document (UPR SA16).
- 4.6 **Submitting complaints or review requests**
- 4.6.1 Students
- Complaints or review requests not submitted using the required form will not be considered.
- 4.6.2 Applicants
- To ensure that when submitting complaint or review requests, all necessary information is provided so that the University is able to deal with the matter efficiently, applicants are expected to submit complaints or review requests using the appropriate form.
- (Note for guidance:**
- With regard to the requirement in section 4.6 to submit formal complaints and requests for review by the Vice-Chancellor using the required form, the University will make reasonable adjustments for disabled students.
  - The current versions of the forms referred to in this document (UPR SA16) are published on-line at:  
  
<https://www.herts.ac.uk/about-us/legal/complaints-policy> )
- 4.7 Members of staff are expected to make themselves available to listen to informal complaints and to try to address the issues raised quickly and in the most appropriate way.
- 4.8 Each complaint will normally be considered individually although, depending on the circumstances, where a series of complaints involves the same subject matter or individual(s), the University may consider those complaints collectively.
- 4.9 All complaints will be investigated as thoroughly as possible in the prevailing circumstances.
- 4.10 All Complainants will be treated equally, regardless of their status or seniority, and will not be treated adversely as a result of their having made a complaint.
- 4.11 The University reserves the right to reject complaints made maliciously or vexatiously or frivolously (section 5, refers).
- 4.12 Where at any Stage a complaint against an individual is made the subject of a formal discussion or Hearing both the Complainant and the individual about whom the complaint has been made may each be accompanied by an adviser (section 7.1.6, refers).
- 4.13 Where a complaint concerns an individual, he or she should be in attendance at any meeting if required by either party. With limited exceptions, copies of any statements of complaint or supporting documents will be given to both parties involved.

- 4.14 Where the subject of a complaint is the person who would normally receive and/or deal with that complaint on the University's behalf, the Complainant should seek advice from the Secretary and Registrar (or nominee) who will ensure that the matter is dealt with by another party.
- 4.15 The University reserves the right to use material recorded via its CCTV scheme to enable the investigation and processing of complaints.
- 4.16 All previous Stages in the complaints process must have been concluded before a complaint may progress to the next Stage.
- 4.17 The University will consider complaints and apply the relevant complaints procedure in accordance with its policies on equality and diversity. In particular, the University will make reasonable adjustments for those with disabilities.
- 4.18 The process whereby a formal complaint is investigated is distinct from the University's disciplinary procedures. However, where it is determined that there should be a disciplinary Hearing, the investigation by the independent Case Officer made under the provisions of these regulations (UPR SA16) will contribute to the investigation Stage required by the University's disciplinary procedures.

## 5 **MALICIOUS OR FRIVOLOUS OR VEXATIOUS COMPLAINTS**

Where there is reason to believe that a complaint may have been made either maliciously frivolously or vexatiously, the matter will be investigated by the Secretary and Registrar who will take advice from appropriate officers of the University. Where, on the balance of probability, he or she judges the complaint to be malicious or vexatious or frivolous, the Secretary and Registrar will write to the Complainant, within ten (10) working days of its receipt or as soon as possible thereafter, rejecting the complaint.

## 6 **COMPLAINTS PROCEDURE**

### **(Note for guidance:**

*Attention is drawn to the general principles set out in section 4.12 and 4.13 relating to the rights and entitlements of an individual against whom a complaint has been made.)*

### 6.1 **Complaints procedure - Scope**

- 6.1.1 With the following exceptions, this procedure will apply to all complaints raised by applicants and students whose normal place of study or research is or would be at the University.

i **HARASSMENT AND BULLYING**

All complaints relating to alleged incidents of harassment and bullying will be dealt with in accordance with the provisions of UPR EQ01<sup>3</sup>;

ii **WHERE OTHER SEPARATE COMPLAINTS PROCEDURES APPLY**

It should be noted that certain services and University policies and regulations are supported by their own complaints procedures. However, where no such mechanism exists, students should direct complaints in accordance with the procedures set out in section 6 of this document.

### 6.2 **Complaints procedure – structure and format of process and general information**

- 6.2.1 This procedure has two Stages, a preliminary Stage and a formal Stage. Complainants must complete each Stage before they can progress to the next. In exceptional circumstance and on the grounds set out in section 6.2.6, the Complainant may request a review by the Vice-Chancellor at the conclusion of the formal Stage.

6.2.2 Before lodging a request for a review by the Vice-Chancellor:

- i Complainants who are students may obtain assistance and advice from the Students' Union Executive;
- ii Complainants who are applicants may obtain assistance and advice from the Dean of Students Office.

All Complainants should also refer to section 7 of this document ('Rules for the Administration of Student Complaints').

6.2.3 In the event that the person to whom the complaint should be submitted is either part of the subject of the complaint or otherwise in a conflict of interest, the complaint should be submitted to the Student Procedures Co-ordinator who will ensure that a suitable substitution is made by the Secretary and Registrar (or nominee).

6.2.4 **Complaints procedure - preliminary Stage**

**(Note for guidance:**

- o Attention is drawn to the general principles set out in section 4.12 and 4.13 relating to the rights and entitlements of an individual against whom a complaint has been made.

- o **On-campus Student Residential Accommodation**

Complaints regarding on-campus student residential accommodation (Halls of Residence) should be directed, in the first instance, to the appropriate Facilities Management company as follows, via their respective Help Desks:

- College Lane Campus: [Uliving@Hertfordshire](mailto:Uliving@Hertfordshire)
- De Havilland Campus: [Carillion FM](mailto:Carillion.FM).

Further guidance is provided in accommodation guidance information or may be obtained from the Office of the Dean of Students.)

- i A complaint raised at the preliminary Stage of this procedure must be made, either orally or in writing, and lodged within three (3) calendar months of the date on which the incident occurred;
- ii To ensure that complaints are dealt with in the most appropriate way, the University categorises them as either 'academic' or 'non-academic' complaints. These terms are defined in sections 3.1.3 and 3.1.4 of this document;
- iii **ACADEMIC COMPLAINTS**
  - a Academic complaints raised by applicants must be lodged with the Head of the Student Centre who will ensure that the matter is directed to the most appropriate person who will be designated the 'Recipient' for the purposes of the preliminary Stage of this procedure;
  - b **COMPLAINTS ASSOCIATED WITH THE ADMISSIONS PROCESS**  
All complaints associated with the admissions process must be lodged with the Head of the Student Centre, other Academic Complaints should be lodged, as appropriate, with the Year Tutor, Programme Tutor, Research Student Tutor, or Head of Department (where appointed). These members of staff are designated the 'Recipient' for the purposes of the preliminary Stage of this procedure.

**(Note for guidance:**

Advice on where complaints should be directed is available from the Student Procedures Co-ordinator.)

- iv **NON-ACADEMIC COMPLAINTS**  
All complaints associated with the admissions process are categorised as 'Academic Complaints' and must be lodged with the Head of the Student Centre. Non-academic complaints should be lodged with the manager of the area in which the incident occurred. The manager is designated the 'Recipient' for the purposes of the preliminary Stage of this procedure.
- (Note for guidance:**  
  
Advice on where complaints should be directed is available from the Student Procedures Co-ordinator.)
- v Within ten (**10**) working days of receiving the complaint, the Recipient of the informal complaint will endeavour to take the steps necessary to resolve the problem and may meet the Complainant to discuss the matter;
- vi Where the Recipient of the informal complaint has been unable to resolve the matter within ten (**10**) working days, he or she will:
- a prepare a brief written report in the format specified by the Dean of Students (section 7.1.4, i, refers), which will summarise the nature of the complaint and indicate the actions which have been taken;
  - b submit this report, as appropriate, to the relevant Dean of School/Head of Strategic Business Unit and provide a copy to the Dean of Students and the Student Procedures Co-ordinator.

#### 6.2.5 **Complaints procedure - formal Stage**

**(Note for guidance:**

- o Attention is drawn to the general principles set out in section 4.12 and 4.13 relating to the rights and entitlements of an individual against whom a complaint has been made.
- o **On-campus Student Residential Accommodation**  
At this formal Stage, the General Manager (or nominee) of the relevant Facilities Management company will act as the Presiding Officer.)

i **STUDENTS**

- a A formal complaint must be made, in writing, using the current version of the relevant form published from time-to-time by the Dean of Students. The completed form must be lodged with the relevant Dean of School/Head of Strategic Business Unit within three (**3**) calendar months of the date on which the incident occurred (section 7.1.4, ii, refers);
- b Complaints or review requests not submitted using the required form will not be considered.

ii **APPLICANTS**

To ensure that when submitting a complaint or review requests, all necessary information is provided so that the University is able to deal with the matter efficiently, applicants are expected to submit complaints or review requests using the appropriate form. The completed form must be lodged with the Head of the Student Centre within three (**3**) calendar months of the date on which the incident occurred (section 7.1.4, ii, refers);



iii EVIDENCE

The University expects that at the time of making a formal complaint, an applicant or student will bring forward all relevant evidence that is available at the time at which the formal complaint is lodged.

**(Note for guidance:**

- o With regard to the submission of formal complaints by form, the University will make reasonable adjustments for disabled applicants and students.
- o The current version of the form is published on-line at:

<https://www.herts.ac.uk/about-us/legal/complaints-policy>

- o Advice on where formal complaints should be directed is available from the Student Procedures Co-ordinator.)

iv PRESIDING OFFICER

The Dean of School/Head of Strategic Business Unit is designated as the Presiding Officer for the purposes of dealing with the formal complaint (section 7, refers) and will:

- a as soon as possible, inform any Respondent that a formal complaint has been made against them and will also advise them of the nature of that complaint;
- b notify the Dean of Students and the Student Procedures Co-ordinator at the earliest opportunity that a formal complaint has been made;
- c appoint an independent Case Officer.

v The Case Officer will:

- a prepare a full report and submit this to the Dean of School/Head of Strategic Business Unit (the Presiding Officer);
- b provide a copy of that report to the Dean of Students and to the Student Procedures Co-ordinator.

vi The Presiding Officer:

- a may seek to resolve the issue on the basis of the Case Officer's report and/or any other documentation provided and/or;
- b may seek further information from the members of staff involved in the complaint and/or;
- c may, at his or her discretion, call a Hearing at which the Complainant and any other persons involved may submit their respective cases;
- d will, where he or she has resolved to conduct a Hearing, inform the Complainant, in writing, of the arrangements for the Hearing by means of a **Letter of Notification** in the required format (section 7.1.4, iii, refers);
- e will ensure that a narrative (non-verbatim) record is made of the Hearing by a Clerk appointed by the Presiding Officer;
- f will, within ten (**10**) working days of having received the formal complaint or as soon as possible thereafter, communicate his or her decision, in writing, to the Complainant. The **Letter of Decision** will be in the required format (section 7.1.4, iv, refers). Where appropriate, the **Letter of Decision** will be accompanied (where appropriate) by a **Completion of Procedures Letter** which may be used in relation to any future dealings with the Office of the Independent Adjudicator;
- g will, where a complaint is upheld, take appropriate action and will determine whether the Complainant may claim for reasonable and proportionate incidental expenses incurred in connection with bringing the formal complaint;

- h prepare a brief written report in the format specified by the Dean of Students (section 7.1.4, i, refers), which will summarise the nature of the complaint and indicate the actions which have been taken;
- i submit this report to the Dean of Students and to the Student Procedures Co-ordinator.

#### 6.2.6 **Complaints procedure – review by the Vice-Chancellor**

- i Where a Complainant remains dissatisfied with the outcome following the conclusion of the formal Stage, the Complainant may request a review by the Vice-Chancellor where he or she (the Complainant):
  - a wishes information not already brought forward at earlier Stages or new information which may be relevant to the case, to be considered;
  - b believes that there has been procedural irregularity or bias.
- ii The University expects that at the time of making a formal complaint, a student will bring forward all relevant evidence that is available at the time at which the formal complaint is lodged.

**(Note for guidance:**

#### **On-campus Student Residential Accommodation**

As is the case with other types of student complaint, where a Complainant remains dissatisfied with the outcome following the conclusion of the formal Stage, he or she may request a review by the Vice-Chancellor on the grounds set out in this section (6.2.6.)

#### 6.3 **Review by the Vice-Chancellor – structure and format of process and general information**

**(Note for guidance:**

Attention is drawn to the general principles set out in section 4.12 and 4.13 relating to the rights and entitlements of an individual against whom a complaint has been made.)

##### 6.3.1 **Review by the Vice-Chancellor - non-academic complaint**

The Secretary and Registrar (or nominee), acting as the nominee of the Vice-Chancellor, is responsible for dealing with reviews by the Vice-Chancellor relating to non-academic complaints.

##### 6.3.2 **Review by the Vice-Chancellor - academic complaint**

The Vice-Chancellor may designate a nominee of appropriate standing and independence to deal with reviews by the Vice-Chancellor concerning academic complaints.

6.3.3 In all cases (sections 6.3.1 and 6.3.2, refer) the decision of the Vice-Chancellor (or nominee) will be regarded as final.

6.3.4 Before lodging a request for a review by the Vice-Chancellor:

- i Complainants who are students may obtain assistance and advice from the Students' Union Executive;
- ii Complainants who are applicants may obtain assistance and advice from the Dean of Students Office.

All Complainants should also refer to section 7 of this document ('Rules for the Administration of Student Complaints').

6.3.5 In the event that the person who would normally deal with the Hearing on the Vice-Chancellor's behalf is either part of the subject of the complaint or otherwise in a conflict of interest, the Vice-Chancellor will ensure that a suitable substitution is made by the University.

**6.3.6 Review by the Vice-Chancellor - making a request**

- i The request for a review by the Vice-Chancellor must be made, in writing, using the current version of the relevant form published from time-to-time by the Dean of Students. The completed form must be lodged with the Student Procedures Co-ordinator within ten (**10**) working days of the date of the **Letter of Decision** (section 6.2.5, vi, f, refers) (not the date on which the **Letter of Decision** was received by the Complainant).

**(Note for guidance:**

- o With regard to the submission of review requests by form, the University will make reasonable adjustments for disabled applicants and students.
- o The current version of the form is published on-line at:

<https://www.herts.ac.uk/about-us/legal/complaints-policy>

- ii The Vice-Chancellor (or nominee):
  - a will be provided with all the necessary details of the case and an account of the measures which have already been taken to resolve the difficulties;
  - b will review the circumstances of the case;
  - c will, if necessary, take further advice;
  - d may seek to resolve the issue on the basis of the documentation provided and/or;
  - e may call a Hearing to which he or she may invite both the Complainant and any Respondent (section 6.3.6, iii, refers).

- iii The Student Procedures Co-ordinator:
  - a will ensure that the date of any Review Hearing will be sufficiently far ahead to ensure that as far as reasonably possible, any witnesses can be traced and informed of the requirement to attend;
  - b will make detailed arrangements with any other persons who are to attend the Review Hearing;
  - c will write a **Review Hearing Letter** to the appellant which will be in the required format (section 7.1.4, vi, refers).

Where the Dean of Students is not the Case Officer, the Dean of Students (or nominee) will attend all Review Hearings as an observer.

- iv The Vice-Chancellor (or nominee):
  - a will ensure that a narrative (non-verbatim) record is made of the Hearing by a Clerk appointed by the Secretary and Registrar;
  - b will, where possible, advise the Complainant of his or her decision immediately after the Review Hearing or will indicate to the Complainant when he or she might expect a decision;
  - c will, where a complaint is upheld, determine whether the Complainant may claim for reasonable and proportionate incidental expenses incurred in connection with bringing the formal complaint.

- v The Student Procedures Co-ordinator:
  - a will ensure that the decision of the Vice-Chancellor (or nominee) is confirmed to the Complainant, in writing, within ten **(10)** working days of having received the request for a review by the Vice-Chancellor or as soon as possible thereafter, by means of a **Letter of Decision** in the required format (section 7.1.4, iv, refers) (where appropriate the **Letter of Decision** will be accompanied (where appropriate) by a **Completion of Procedures Letter** which may be used in relation to any future dealing with the Office of the Independent Adjudicator);
  - b will, where appropriate, provide a copy of the **Letter of Decision** to the relevant Dean of School/Head of Strategic Business Unit and to the Dean of Students who will be responsible for instigating any consequent action including, as appropriate, providing copies of the **Letter of Decision** to other relevant members of staff.

## 7 RULES FOR THE ADMINISTRATION OF STUDENT COMPLAINTS

### (Note for guidance:

Attention is drawn to the general principles set out in section 4.12 and 4.13 relating to the rights and entitlements of an individual against whom a complaint has been made.)

### 7.1 General rules

- 7.1.1 Those responsible for administering these complaints procedures will comply with the rules set out in this section (7).
- 7.1.2 With limited exceptions, all written material considered by the Presiding Officer during any applicable Hearing under this policy will be provided to the Complainant and to any Respondent. The Case Officer's report will, therefore, be provided to the Complainant and the Respondent.
- 7.1.3 The Presiding Officer at any Stage of these procedures will not have dealt with or heard the matter previously.

### 7.1.4 Standard forms and correspondence

#### i Report to the Dean of Students

- a Where a complaint has not been resolved at the preliminary Stage and/or the Complainant proceeds to the formal Stage, the initial Recipient of the complaint will provide a written summary in the format specified by the Dean of Students. The Recipient will submit the report to the Dean of School/Head of Strategic Business Unit (sections 6.2.4, iv, a, and 6.2.5, vi, h, refer) and will provide a copy to the Dean of Students and to the Student Procedures Co-ordinator;
- b The written summary will include the following:
  - 1 the student's name and Student Registration Number/the applicant's name, postal address, e-mail address and preferred telephone number;
  - 2 the name of the Recipient and his or her position (for example, Year Tutor, Research Student Tutor);
  - 3 a brief summary of the complaint;
  - 4 a summary of the investigation made (any relevant documentary evidence must be appended to the report);
  - 5 a summary of the action taken and, if necessary, an explanation of why it has not been possible to resolve the complaint;
  - 6 the Recipient's signature and the date of signature.

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- ii **Notification of a formal complaint under the provisions of the Student and Applicant Complaints Procedure (UPR SA16) – form**
- a The Complainant must complete all of the fields within the form. Incomplete forms and forms submitted without the required supporting documents/material will not be considered and will be returned, un-processed, to the student.
- b The form will require that the Complainant provides the following information:
- 1 the nature of the complaint, whether the matter has been considered at the preliminary Stages of these procedures and;
  - 2 any documents/material that support the formal complaint;
  - 3 identify clearly how the documents/material referred to in 7.1.4, ii, b, 2, support the formal complaint;
  - 4 all of the documents/material provided by the student at the preliminary Stage;
  - 5 the postal address to which all correspondence is to be sent;
  - 6 the e-mail to which all communications are to be sent;
  - 7 the telephone numbers on which the student can be contacted (mobile and where applicable, landline).
- iii **Letter of Notification**
- a Where a complaint is to be made the subject of a formal meeting or Hearing, the Complainant will be notified, in writing, by means of a **Letter of Notification** which will:
- 1 for the avoidance of doubt, give a full explanation of the nature of the complaint;
  - 2 give the day, date, time and venue for the Hearing/meeting;
  - 3 give an explanation of the Complainant's right to be accompanied or represented under the provisions of section 7 of this document;
  - 4 invite the Complainant to submit any witness statements to the Presiding Officer where he or she has not already done so;
  - 5 advise the Complainant of his or her entitlement to bring to the Hearing/meeting any witness and of the requirement that he or she must inform the Presiding Officer five (5) working days beforehand of his or her intention to do so;
  - 6 the names of any individuals who are to appear at the Hearing/meeting.
  - 7 Included with the letter will be:
    - A subject to the provisions of section 7.1.2, a copy of all the documents relating to the complaint;
    - B a copy of the relevant version of this document (UPR SA16) – the letter will stipulate the version of UPR SA16 under the provisions of which the matter is being dealt with.
- b **Letters of Notification** will be sent by recorded mail and to the email address the student has provided to the University for all correspondence;
- c A copy of the **Letter of Notification** will be provided to the Dean of Students, the Student Procedures Co-ordinator and any Respondent.
- iv **Letter of Decision**
- a In accordance with the time-scales set out in the relevant student complaints procedure, Presiding Officers will communicate their decisions to Complainants, in writing, by means of a **Letter of Decision** which will:
- 1 give the reasons why the decision was taken;
  - 2 explain any further rights of review that the Complainant might have if he or she is not satisfied with the outcome;
  - 3 Included with the letter will be a copy of the report or record of the Hearing;

- b **Letters of Decision** will be sent by recorded mail and to the email address the student has provided to the University for all correspondence;
- c A copy of the **Letter of Decision** and all enclosures will be provided to the Dean of Students, the Student Procedures Co-ordinator and any Respondent.

v **Request for a Review by the Vice-Chancellor – form**

- a The Complainant must complete all of the fields within the form. Incomplete forms and forms submitted without the required supporting documents/material will not be considered and will be returned, un-processed, to the student;
- b The form will require that the Complainant provides the following information:
  - 1 the student's name and Student Registration Number/the applicant's name;
  - 2 the grounds for review;
  - 3 the new documents/material that support the grounds being cited for a review,
  - 4 identify clearly how the new documents/material support the grounds being cited;
  - 5 all of the documents/material provided by the student at previous Stages of the process;
  - 6 the postal address to which all correspondence is to be sent;
  - 7 the e-mail to which all communications are to be sent;
  - 8 the telephone numbers on which the student can be contacted (mobile and where applicable, landline).

vi **Review Hearing Letter**

- a The Student Procedures Co-ordinator will write to the Complainant by means of an **Review Hearing Letter** which will give:
  - 1 the names of any individuals who are to appear at the Review Hearing;
  - 2 the day, date, time and venue for the Hearing;
  - 3 advise the Complainant of his or her entitlement to bring to the Hearing any witness and of the requirement that he or she must inform the Student Procedures Co-ordinator not less than five (**5**) working days beforehand of his or her intention to do so and of the name of any witness who is to attend;
  - 4 an explanation of the Complainant's right to be accompanied or represented under the provisions of section 7 of this document;
  - 5 invite the Complainant to submit any witness statements to the Student Procedures Co-ordinator not less than three (**3**) working days before the Review Hearing, where he or she has not already done so;
  - 6 advise the Complainant that any documents to be considered at the Hearing that are not available at the time that the **Review Hearing Letter** is issued will be provided to him or her before the Review Hearing;
  - 7 advise the Complainant that should he or she fail to give notice that, for good reason, he or she is unable to attend the Hearing, the matter may be heard in his or her absence;
  - 8 advise the Complainant that failure to attend a Hearing may be considered a disciplinary offence;
  - 9 Included with the letter will be copies of all of the documents to be considered at the Hearing, including copies of any new documents relating to the complaint not previously provided to the appellant;
  - 10 **Review Hearing Letters** will be sent by recorded mail and to the email address the student has provided to the University for all correspondence;
  - 11 A copy of the **Review Hearing Letter** and all enclosures will be provided to any Respondent.

### 7.1.5 Confidentiality

- i Information relating to any complaint is strictly confidential;
- ii All parties to the complaint and individuals who have been involved in any related investigation and/or the management and/or administration of the complaints process will observe the requirements for confidentiality. While confidential information will need to be disclosed in order to consider the complaint, it will only be disclosed to those staff involved in the consideration of the complaint. In addition, confidential information may be disclosed to governmental, police or regulatory authorities or otherwise disclosed as by law;
- iii All personal information will be processed by the University in accordance with the Data Protection Act 1998;
- iv Any breach of confidentiality will be regarded as a disciplinary matter.

### 7.1.6 Complainants' entitlements

At any meeting to discuss the process of the Hearing, or at the Hearing itself, the Complainant will be entitled:

- i not less than three (**3**) working days prior the meeting or Hearing, to present any evidence or documentation that is relevant to the representations being made; and
- ii where the Complainant is a student either:
  - to be accompanied by an Student's Adviser (section 7.1.6, iv, refers) or
  - to exercise the right to representation by a member or nominee of the Students' Union Executive (section 7.1.8, iv, refers);
- iii where the Complainant is an applicant:
  - to be accompanied and/or represented by a parent or guardian or friend (section 7.1.6, v, refers);
- iv **Students**

A Complainant who is a student may invite another person to accompany him or her to, and to act as his or her Student Adviser at, any Hearing or meeting (formal or informal) at which the matter is to be discussed;

Although the Complainant may, for example, invite a lawyer or a Trade Union representative to act as his or her Student Adviser it should be noted that the person attends the meeting or Hearing purely in an advisory capacity and does not, therefore, act as the student's representative;

However, a student Complainant may elect to be represented at the Hearing or meeting by a member or nominee of the Students' Union Executive.
- v **Applicants**

Where the Complainant is as applicant, he or she may choose to be accompanied by another person to act as his or her Adviser at any Hearing or meeting (formal or informal) at which the matter is to be discussed;

Although the Complainant may, for example, invite a lawyer or a Trade Union representative to act as his or her Adviser it should be noted that the person attends the meeting or Hearing purely in an advisory capacity and does not, therefore, act as the student's representative;

A Complainant who is an applicant may elect to be represented by a parent or guardian or friend.

Where a Complainant wishes to be accompanied by a Student's Adviser/Adviser or represented at a meeting or Hearing in accordance with the provisions of section 7.1.6, he or she should advise the University five (5) working days beforehand, as follows:

- 1** FORMAL STAGE (SECTION 6.2.5, REFERS):  
to the Dean of School/Head of Strategic Business Unit five (5) working days beforehand;
- 2** REVIEW BY THE VICE-CHANCELLOR (SECTION 6.3, REFERS):  
to Student Procedures Co-ordinator five (5) working days beforehand.

- vi A Student's Adviser/Adviser will only be permitted to speak during a Hearing if asked direct questions by the Presiding Officer. However, the student or applicant may consult freely with his or her Adviser at any time.

#### **7.1.7 Respondent's entitlements and Advisers**

- i **WHERE THE RESPONDENT IS A MEMBER OF STAFF**  
The Respondent may be accompanied by a 'Friend': a person chosen by the employee to accompany him or her to a meeting/Hearing and who is either a colleague employed by the University or an employee or official of a Trade Union. The Friend may confer with the employee but will not be permitted to answer direct questions for the employee.
- ii **WHERE THE RESPONDENT IS A STUDENT OR APPLICANT**  
The Respondent may be accompanied by a Student's Adviser/Adviser (section 7.1.6, refers).

#### **7.1.8 Conduct of Complaints Hearings/meetings**

Presiding Officers and others responsible for administering the student complaints procedures set out in this document (UPR SA16) will comply with the following rules:

- i at each Stage of these student complaints procedures:
  - a the Complainant may, if he or she so wishes, be accompanied by a Student's Adviser/Adviser at any Hearing or meeting to which he or she has been invited at which the matter is to be discussed or may exercise his or her rights, as set out in section 7.1.6, iv;
  - b the Respondent may exercise his or her rights under the provisions of section 7.1.7;
- ii the Presiding Officer will be accompanied by another member of staff, not directly involved in the case, who will observe the proceedings, in later Stages of these procedures, this requirement will normally be met through the presence of the Secretary and Registrar (or nominee);
- iii where practicable, arrangements will take account of the needs and concerns of those involved;



- iv the Hearing will be attended, as appropriate, by the individuals stipulated for each Stage of these procedures;
- v the independent Case Officer appointed by the Secretary and Registrar will present his or her report;
- vi the Case Officer may be questioned by the Presiding Officer and, at the invitation of the Presiding Officer, by the Complainant and the Respondent;
- vii the Complainant may be questioned by the Presiding Officer and, at the invitation of the Presiding Officer, by the Respondent;
- viii the Respondent may be questioned by the Presiding Officer and, at the invitation of the Presiding Officer, by the Complainant;
- ix the Presiding Officer will invite the Complainant and the Respondent to call any witnesses who may be questioned by the Complainant and the Presiding Officer and, at the invitation of the Presiding Officer, by the Respondent;
- x the Presiding Officer will invite the Respondent and then the Complainant to make any closing remarks;
- xi the Presiding Officer may direct the Complainant and his or her Adviser and any other persons present to withdraw while he or she considers the matter and may recall the Complainant and any other persons present for further questioning;
- xii where possible, the Presiding Officer will advise the Complainant and the Respondent of his or her decision immediately after the Hearing or will indicate to the Complainant and Respondent when he or she might expect a decision;
- xiii a written record will be made of the Hearing, in accordance with the detailed arrangements specified for each Stage of these procedures;
- xiv an audio recording of a Hearing may be permitted in exceptional circumstances, at the discretion of the Presiding Officer and with the prior written consent of all persons who will be present. The exceptional circumstances will be a matter of record.

#### **7.1.9 Adjournment**

In exceptional circumstances, at any stage of proceedings, an adjournment may be necessary for either party to obtain more evidence or for a Panel or Presiding Officer to consider the evidence further. Requests will be granted at the absolute discretion of the Presiding Officer and will not be withheld unreasonably.

#### **7.1.10 Interface between the University's disciplinary and complaint procedures**

The process whereby a complaint is dealt with by the University is distinct from the University's disciplinary procedures although, in some circumstances, the investigation of a complaint may result in the University taking disciplinary action against a member of staff and/or a student. Such proceedings and their outcomes are confidential and the Complainant is not entitled to challenge their outcome.

### **8 FURTHER REPRESENTATIONS**

- 8.1 In cases where a complaint is specifically about misleading information in a prospectus and where the Complainant is not satisfied with the outcome of the internal complaints procedure, contact may be made with the Quality Assurance Agency for Higher Education, Southgate House, Southgate Street, Gloucester GL1 1UB, Telephone 01452 557000.

**8.2 External Review**

8.2.1 Having exhausted the University's internal procedures and subject to the provisions of legislation, the student has the right to request the Office of the Independent Adjudicator to review his or her case.

8.2.2 *Having exhausted the University's internal procedures and subject to the provisions of legislation, students who are apprentices, participating in training on apprenticeships at the University, also have the right to complain further to the Education and Skills Funding Agency (ESFA). See: <https://www.gov.uk/complain-further-education-apprenticeship>. Such students must contact the ESFA within 12 months of the issue arising. The ESFA will not deal with complaints about employment issues.*

**9 MONITORING**

The Dean of Students will monitor the operation of this complaints procedure and will make a report to the Vice-Chancellor not less than once each academic year.

Mrs S C Grant  
Secretary and Registrar  
Signed: **24 July 2019**